IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 27557 of 2007(E)

PETITIONERS:
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1. **SONY THOMAS,PHARMACIST,**
   NEETHI MEDICAL STORE, THE KIZHATHADIYOOR
   SERVICE CO-OPERATIVE BANK,PALA.
   RESIDING AT MOONGAMAKKAL HOUSE,MANALAMKAL .P.O.,
   KOTTAYAM.

2. **LEELAMMA.G,PHARMACIST,**
   NEETHI MEDICAL STORE, THE KIZHATHADIYOOR
   SERVICE CO-OPERATIVE BANK,PALA,
   RESIDING AT KALLARAKAL HOUSE,
   PALA,KOTTAYAM DIST.

3. **JANET T. PAUL,SALES WOMAN,**
   NEETHI MEDICAL STORE, THE KIZHATHADIYOOR
   SERVICE CO-OPERATIVE BANK,PALA
   RESIDING AT MADATHANIPARAMBIL,AMAYANNOOR PO,
   KOTTAYAM DIST.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR,
ADV. SRI.SAJU JOHN.

RESPONDENTS:
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1. **STATE OF KERALA,REPRESENTED BY ITS**
   SECRETARY,CO-OPERATIVE DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM-1.

2. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES,**
   OFFICE OF THE REGISTRAR OF CO-OPERATIVE
   SCIETIES, THIRUVANANTHAPURAM .

3. **JOINT REGISTRAR OF CO-OPERATIVE SOCIEITES**
   (GENERAL),KOTTAYAM.

W.P.(C). NO.27557/2007:

4. KIZHATHADIYOOR SERVICE CO-OPERATIVE BANK LTD.NO. 1995, PALA, KOTTAYAM.

BY ADV. SRI.P.C.HARIDAS,
GOVT. PLEADER RI. P.K. RAVIKRISHNAN FOR R1 TO R3.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.27557/2007-E:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. C.R.P. (1) 10725/04/K. DIS. DTD. 21/02/2005 OF THE R.3.

EXT.P.2: COPY OF THE APPOINTMENT ORDER ISSUED TO THE P.2. DTD. 26/05/2005.

EXT.P.3: COPY OF THE ORDER NO. C.R.P. (1) 5150/2007 DTD. 30/07/2007 OF THE R.3.

EXT.P.4: COPY OF THE LETTER NO. C.S. (1)34044/07 DTD. 10/07/2007 OF THE R.2.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.27557 of 2007-E

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Dated this the 15th day of November, 2007.

JUDGMENT

1. By Ext.P1, the Joint Registrar had issued orders sanctioning posts and fixing pay scales. By the impugned Ext.P3, that has been recalled acting on a communication of the Registrar directing to recall the decision contained in Ext.P1.

2. The decision contained in Ext.P1 is nothing but one rendered by the Joint Registrar exercising the powers of the Registrar. So much so, the Registrar had no authority to issue the decision on the basis of which the impugned Ext.P3 has been issued.

3. For the foregoing reasons, Exts.P3 and P4 are quashed

and it is declared that Ext.P1 would govern the parties.

The writ petition is allowed as above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/